

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

IRIS KITCHEN,

Plaintiff,

vs.

DEVELOPMENTAL SERVICES OF  
NEBRASKA, INC., AUTISM CENTER OF  
NEBRASKA, INC., OMNI BEHAVIORAL  
HEALTH, and ANGELA MITCHELL,

Defendants.

**8:20CV08**

**ORDER**

Plaintiff has filed three documents captioned “Motion for Deposition” (Filing Nos. 67, 68, and 69). These documents appear to be emails dated December 3, 2020, from Plaintiff to defense counsel with the subject line “Deposition” and body that says, “Hi, Iris Kitchen would like to set up a conference call with you, thank you.” It is unclear what relief Plaintiff seeks from the Court in these documents, but to the extent Plaintiff is asking the Court to compel depositions, the motions are denied. A party must obtain leave of court to take a deposition if the parties have not yet conferred as required by Fed. R. Civ. P. 26(f). See Fed. R. Civ. P. 30(a)(2)(A)(“A party must obtain leave of court . . . if the parties have not stipulated to the deposition and . . . the party seeks to take the deposition before the time specified in Rule 26(d)”); Fed. R. Civ. P. 26(d)(1)(“A party may not seek discovery from any source before the parties have conferred as required by Rule 26(f)[.]”); see also NEGenR [1.3](#)(g)(“[P]arties who proceed pro se are bound by and must comply with all local and federal procedural rules.”). All parties have not yet met and conferred and filed a jointly prepared report pursuant to Fed. R. Civ. P. 26(f) as required by the Court’s Amended Scheduling Order (Filing No. 63). Until that joint report is filed, no discovery or depositions, unless stipulated to by the parties, may take place. Additionally, defaulted defendant Angela Mitchell has filed a motion to set aside default (Filing No. 64). If that motion is granted and defendant Mitchell files an answer, she will also need to participate in the Rule 26(f) conference. Accordingly,

**IT IS ORDERED:**

1. Plaintiff’s Motions for Depositions (Filing Nos. 67, 68, and 69) are denied.
2. The December 14, 2020, deadline for the parties to file a Rule 26(f) Report set in the Court’s Amended Scheduling Order (Filing No. 63) is continued, and will be re-set after

the Court's resolution of the Motion to Set Aside Default (Filing No. 64) filed by defendant Angela Mitchell.

Dated this 8<sup>th</sup> day of December, 2020.

BY THE COURT:

s/ Michael D. Nelson  
United States Magistrate Judge